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File No. BRA 2152

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RHABC DEPARTMENT dt 22/2/57

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Karnatak

Subject :—

ER. Sec. No. 158
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Bombay Rent Act 1947

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B Class

Karnatak

File No. BRA 2152

Std. Sectt. Slip 24-A

Legal Department.

Submitted -

2. Attention is invited to L.D. U.R. to Public Works Department No. 1003/B, dated the 16th January 1953 with which a draft Bill for extending the life of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 and for converting Ordinance No. 1 of 1952 into an Act, was supplied to the Public Works Department. The Public Works Department has not yet sent its papers to this Department for publication of the Bill in the Bombay Government Gazette. The present Rent Control Act expires on the 31st March 1953 and Ordinance No. 1 of 1952 will cease to operate at the expiration of six weeks from the date on which the Assembly and Council will meet i.e. after the 29th March 1953. It is therefore, desirable to get the the Bill passed by the Legislature well in advance before the said date. If the Bill is not published in time it will not be possible to get it passed by the Legislature in time.

3. As directed by the Additional Secretary L.D., therefore, the Public Works Department may be requested to take immediate steps for publication of the Bill.

U.R. to Public Works Department. No. 2010/B dated 31-1-53.

H. Branch.

The Bill has been sent to C.S. yesterday for obtaining C.M's orders reg. circulation of the Bill to the Ministers or submission to the Council of Ministers for discussion. The Contents of L. D. note

above have been noted for guidance.

The movement of the above case was followed up as directed by Secretary. The Case was submitted by C.M. to C.M. who has ordered that the Bill should be brought before the Council of Ministers for discussion. C.S. has accordingly asked agreed to this Department today (5/2/53) that 20 copies of the Bill may be supplied to C.S. for the next meeting of the Council of Ministers which will take place on 14/2/53. C.S's orders will be carried out. But it will not be possible to publish the bill on ~~the 15~~ 15/2/53 or till a subsequent date thereafter. Of course all possible steps will be taken after 14/2/53 to expect publication. I think priority for moving this Bill can be obtained by the L.D. to achieve the object as at A overleaf. Additional Secretary, L.D. may see.

Legal Department.

Seen by the Additional Secretary and returned. Necessary action will be taken by this Department to have priority to this Bill in the Assembly, after the Bill is published.

Assistant Secretary to Government

U.R. to. Public Works Department. No. 2590/B dated the 9th February 1953.

No.....
Legal Department,
Bombay Castle(Bombay No.1)dated.....

From

Shri J.R.Dhurandhar,
Additional Secretary to the Government
of Bombay, Legal Department,

To

The Secretary to the Government of India,
Ministry of Home Affairs, New Delhi.

Subject:- The Bombay Rents, Hotel and Lodging House rates Control (Amendment)Bill, 1953.

Sir,

I am directed to forward herewith in advance copy (with two spare copies) of the Bombay Rents, Hotel and lodging House Rates Control (Amendment) Bill, 1953, which is proposed to be introduced in thecurrent session of the Bombay Legislature and which, if passed, will have to be reserved for the consideration of the President with reference to article 254(2) of the Constitution of India.

2. The subject matter of the Bill falls under entries 3,5,18,31,35,64 and 65 in List II and entries 1, 2, 6, 7, 12, 13 and 46 in List III in the Seventh Schedule to the Constitution of India.

3. As the provisions of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 are repugnant to the provision of the Transfer of Property Act, 1882, which are exsting laws relating to entries 6, 13 and 46 in the Concurrent Legislative List, and as clause 2 of the Bill is intended to extend the life of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 for a further period of one year, it wouldbe necessary ~~for a further period of one year, it wouldbe necessary~~ to reserve the Bill for the consideration of the President with reference to article 254(2) of the Constitution of India. Clause 3 of the Bill is intended to convert the provisions of Bombay Ordinance No.I of 1952 (copy enclosed) into an Act with slight modifications. As this clause also contains provisions repugnant to the provisions of the

of Principal Act which is an existing law relating to entry 6 in the Concurrent Legislative List, it would be necessary to reserve the Bill for consideration of the president under article 254(2) of the Constitution.

4. The Bill as stated above purports to extend the life of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 and to convert Bombay Ordinance No.I of 1952 into an Act. As the said Act will expire on the 31st March 1953 and the said Ordinance will cease to operate after the 29th March 1953, it is necessary that the Bill should, after it is passed by the Legislature, receive the assent of the President and be published in the Bombay Government Gazette as an Act on or before the 28th March 1953. The Bill is likely to be passed by the Bombay Legislature without any amendment. The authentic copy of the Bill will be sent to you for obtaining the assent of the President as soon as possible.

5. I am to request that you will be so good as to scrutinise the Bill in advance and to help in obtaining the assent of the President in time so as to enable this Department to publish the Act on or before the 28th March 1953.

Yours faithfully,

Sd/-
Additional Secretary to the Government.

Copy forwarded with compliments to:-

The Secretary to the Government of Bombay, Public Works Department.

YGS.30

L.A.BILL NO.XX OF 1953.

A Bill to amend the Bombay Rents, Hotel and Lodgind House Rates Control Act,1947.

(As read for the third time and passed by the Legislative Assembly on the 10th March 1953.)

Bom. LVII of 1947.

WHEREAS it is expedient to amend the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, for the purposes hereinafter appearing; It is hereby enacted as follows:-

1. This Act may be called the Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Act, 1953. Short title.

Bom. LVII of 1947.

2. In section 3 of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, hereinafter referred to as the said Act, in sub-section(2), for the figures "1953" the figures "1954" shall be substituted. Amendment of section 3 of Bom.LVII of 1947.

3. In section 4 of the said Act, after sub-section (3), the following sub-section shall be added andbe deemed always to have been added, namely:-

(4)(a) The expression "premises belonging to the Government or a local authority" in sub-section(1) shall, notwithstanding anything contained in the said sub-section or in any judgment, decree or order of a court, not include a building erected on any land held by any person from the Government or a local authority under an agreement, lease or other grant, although having regard to the provisions of such agreement, lease or grant the building so erected may belong or continue to belong to the Government or the local authority, as the case may be; and

(b) notwithstanding anything contained in section 15 such person shall be entitled to creat a tenancy in respect of such building or a part thereof."

Bom. Ordinance No.I of 1952

4. The Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Ordinance, 1952, is hereby repealed.

The life of the Bombay Rents, Hotel and Lodging House Rates Control Act 1947, expires after the 31st March 1953. The housing shortage is still very acute in several places in this State including places towhich Parts II and III of the Act have been applied. It is, therefore, necessary to extend the life of the Act by a further period of one year.from 1st April 1953 to 31st March 1954. Government had appointed a Committee to inquire into the working of the whole Act. The Report of the Committee has only recently been received and would need time for consideration. The status quo is, therefore, sought to be preserved pending consideration of the Report by extending the life of the Act for one year.

It is also necessary to repeal Bombay Ordinance I of 1952 and to re-enact the provisions thereof. The Supreme Court in its judgment on a case before it had decided that the premises which were on land taken on lease from the Bombay Municipal Corporation, should be held as belonging to thelocal authority and that under section 4(1)of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, such premises were exempt from the Act. The interpretation put by the Supreme Court on the lease would have led to the exclusion from the Act of all the numerous premises built on lands leased from Government or a local authority and would have deprived thousands of people from the benefits of the Act and made them victims of the evils of pugree, unrestricted rents, wanton eviction, etc. In order to avoid unnecessary complications which might have arisen in consequence of the Supreme....

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Supreme Court's Judgment, it was necessary to take immediate steps to amend section 4 of the Act suitably, so that the provisions of the Act would definitely cover premises erected on lands leased from Government or a local authority. As the Legislature was not in session, Ordinance No.I of 1952, to amend the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, for the purpose mentioned above, was promulgated.

The Bill proposes to achieve the above objects. In re-enacting the provisions of the Ordinance care has been taken to clarify the purposes for which the Ordinance was promulgated.

G.D.Tapase.

Dated the 28th February 1953.

GOVERNMENT OF BOMBAY.

LEGAL DEPARTMENT

(L.A.BILL No.XX OF 1953)

(As read for the third time and passed by the Legislative Assembly on the 10th March 1953)

YGS.30.5.

A Bill to amend the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947.

(Shri G.D.Tapase, Minister for Rehabilitation, Fisheries, Backward Classes and Matters pertaining to the Housing Board)

YGS.30.5.

No. 1877
Bombay Legislature Department,
Council Hall,
Bombay, 12th March 1953.

From The Secretary to the Bombay Legislative Council;

To ALL MEMBERS OF THE BOMBAY LEGISLATIVE COUNCIL.

Sir/Madam,

I have the honour to forward herewith for your information a copy of L.A. Bill No.X[A] of 1953 which was read for the third time and passed by the Bombay Legislative Assembly on the 10th March 1953, and to state that it has been laid on the Council Table under sub-rule (1) of rule 102 of the Legislative Council Rules.

2. I have further to state that Government intend to take up all the three readings of the said Bill in the current session of the Bombay Legislative Council.

Yours faithfully,

Sd/- A.V.Lobo
For Secretary to the Bombay Legislative Council.

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No. 1878.
Bombay Legislature Department,
Council Hall,
Bombay, 12th March 1953.

Copy with accompaniment forwarded with compliments to:-

The Chief Minister,
All Ministers,
All Departments of the Secretariat,
The Director of Publicity, Bombay,
The Advocate General, Bombay,

for information.

Sd/
(A.V. LOBO)
for Secretary to the Bombay Legislative Council.

YGS.30.5.

No. 5439/B,
Legal Department,
Bombay Castle (Bombay No.1), 19th March 1953

From:

Shri J.R. Dhurandhar,
Additional Secretary to the Government of Bombay,
Legal Department.

To

The Secretary to the Governor of Bombay,

Subject:- The Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Bill, 1953.

Sir,

With reference to article 200 of the constitution of India, I am directed to forward herewith for being presented to the Governor the authentic copy of the Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Bill, 1953, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 10th March 1953 and the 19th March 1953, respectively.

2. The subject matter of the Bill falls under entries 3, 5, 18, 31, 35, 64 and 65 in List II and entries 1, 2, 6, 7, 12, 13, and 46 in List III in the Seventh Schedule to the Constitution of India.

3. As the provisions of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 are repugnant to the provisions of the Transfer of Property Act, 1882 and the Presidency small cause Courts Act, 1882, which are existing laws relating to entries, 6, 13 and 46 in the Concurrent Legislative List, and as clause 2 of the Bill is intended to extend the life of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 for a further period of one year, it is necessary to reserve the Bill for the consideration of the President with reference to article 254(2) of the Constitution of India. Clause 3 of the Bill is intended to convert the provisions of Bombay Ordinance No. I of 1952 into an Act with slight modifications. As this clause also contains provisions

repugnant to the provisions of the Principal Act which is an existing law relating to entry 6 in the Concurrent Legislative List, it is necessary to reserve the Bill for consideration of the President under article 254(2) of the Constitution.

5. I also forward herewith six copies of each of the

	Item Nos.
1. Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons.	1 and
2. Bill as read for the third time and passed by the Bombay Legislative Council.	2 and
3. Extracts from the proceedings of the Bombay Legislative Assembly, dated the 10th March 1953 and of the Bombay Legislative Council, dated the 19th March 1953.	two copies of

item No.3 of the papers noted in the margin. The Bill was not referred to a Select Committee.

6. The Bill as stated above purports to extend the life of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 and to convert Bombay Ordinance No.I of 1952 into an Act. As the said Act will expire on the 31st March 1953 and the said Ordinance will cease to operate on the 29th March 1953, it is necessary that the Bill should receive the assent of the President and be published in the Bombay Government Gazette as an Act on or before the 28th March 1953. It is, therefore, requested that the President may be moved to give his assent to the Bill before the 28th March 1953 and to convey the assent by telegram as the new Act must come into force on that date and also to communicate the date on which the assent is given.

Yours faithfully,

Additional Secretary to Government

Copy forwarded with compliments to the Secretary to the Government of Bombay, Public Works Department.

YGS.30.5.